

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/862,865
	Filing Date	05/22/2001
	First Named Inventor	Coupland, et al.
	Group Art Unit	3625
	Examiner Name	Matthew S. Gart
Total Number of Pages in This Submission	33	Attorney Docket Number 013742-0018 (B72489)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard Receipt
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Christopher J. Bourk Akin Gump Strauss Hauer & Feld, LLP
Signature	
Date	6/17/04

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 			
Typed or printed name	Kelly Breeze		
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



AF/3625
IFW

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP APPEAL BRIEF - PATENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE INDICATED BELOW

BY: Kelly Breeze

DATE: June 17, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Appellant:

Coupland et al.

Filed: May 22, 2001

Serial No.: 09/862,865

For: SYSTEM AND METHOD FOR
PROVIDING LODGING
RESERVATIONS DATA

§
§
§
§
§
§
§
§
§
§
§

Art Unit: 3625

Examiner: Matthew S. Gart

Docket No.: 013742-0018
(B72489)

RESPONSE TO NOTICE OF DEFECTIVE APPEAL BRIEF

In response to the Notice of Defective Appeal Brief mailed May 17, 2004 (Paper No. 20040512), Appellants respectfully submit the attached revised Appeal Brief, submitted in triplicate. Appellants object to the requirements of 37 C.F.R. 1.192(c) as imposing requirements beyond those under 35 U.S.C. 100 *et seq.*, as the requested amendments to the Appeal Brief could be used to attempt to unduly limit the claimed invention. As such, Appellant expressly notes that all changes to the Appeal Brief have been made only by way of example and not by limitation, and without any intent to limit the claimed invention beyond the plain meaning of the words of each claim, unless otherwise expressly indicated, and only for the purposes of responding to the Notice of Defective Appeal Brief, in order to expedite prosecution.

If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No. 01-0657.

June 17, 2004

(Date)

Respectfully submitted,

By:


CHRISTOPHER J. ROURK
Registration No. 39,348

AKIN GUMP STRAUSS HAUER & FELD LLP
P.O. Box 688
Dallas, Texas 75313-0688
(214) 969-4669 Direct Telephone
(214) 969-4343 Facsimile



Coupland et al.

Art Unit: 3625

Examiner: Matthew S. Gart

Docket No.: 013742-0018 (B72489)

APPEAL BRIEF

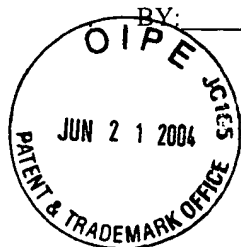
Christopher J. Rourk
AKIN GUMP STRAUSS HAUER
& FELD LLP
P.O. Box 688
Dallas, Texas 75313-0688
(214) 969-4669 Direct Dial
(214) 969-4343 Fax



TABLE OF CONTENTS

I.	REAL PARTY OF INTEREST (37 C.F.R. § 1.192(c)(1))	2
II.	RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 1.192(c)(2))	2
III.	STATUS OF CLAIMS (37 C.F.R. § 1.192(c)(3))	2
A.	TOTAL NUMBER OF CLAIMS IN APPLICATION	2
B.	STATUS OF ALL THE CLAIMS	2
C.	CLAIMS ON APPEAL	3
IV.	STATUS OF AMENDMENTS (37 C.F.R. § 1.192(c)(4))	3
V.	SUMMARY OF THE INVENTION (37 C.F.R. § 1.192(c)(5))	3
VI.	ISSUES ((37 C.F.R. § 1.192(c)(6))	9
VII.	GROUPING OF CLAIMS ((37 C.F.R. § 1.192(c)(7))	9
VIII.	ARGUMENTS ((37 C.F.R. § 1.192(c)(8)(iii))	9
1.	Background to Presently Claimed Invention	9
2.	MacDonald	9
3.	Patentability of Group I (claims 1, 15 and 23-25).	9
4.	Patentability of Group II (claims 2, 8, 13 and 17).	9
5.	Patentability of Group III (claims 3 and 22).	9
6.	Patentability of Group IV (claims 4 and 9).	9
7.	Patentability of Group V (claims 5 and 10).	9
8.	Patentability of Group VI (claims 6, 11, 19 and 20).	9
9.	Patentability of Group VII (claim 7).	9
10.	Patentability of Group VIII (claims 12, 16 and 21).	9
11.	Summary	9
IX.	ARGUMENTS ((37 C.F.R. § 1.192(c)(8 (iv))	9
1.	HRN	9
2.	Patentability of Group IX (claims 14 and 18).	9
3.	Summary	9
X.	APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(9))	9
XI.	OTHER MATERIAL THAT APPELLANT CONSIDERS NECESSARY OR DESIRABLE	9

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP APPEAL BRIEF - PATENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE INDICATED BELOW



BY: Kelly Breeze

DATE: _____

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re:	Patent Application of Coupland et al.	: Group Art Unit: 3625 : : :
Appln. No.:	09/862,865	: Examiner: Matthew S. Gart : : :
Filed:	May 22, 2001	: : : :
For:	SYSTEM AND METHOD FOR PROVIDING LODGING RESERVATIONS DATA	: Attorney Docket : 013742.0018 (B72489)

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPELLANT'S BRIEF (37 C.F.R. § 1.192)

This brief is in furtherance of the Notice of Appeal, filed in this case on February 3, 2004 and received by the U.S.P.T.O. on February 9, 2004.

The fees required under § 1.17 are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

5 This brief is transmitted in triplicate. (37 C.F.R. § 1.192(a)).

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. § 1.192(c)).

- I. REAL PARTY OF INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- 10 III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF INVENTION

- VI. ISSUES
- VII. GROUPING OF CLAIMS
- VIII. ARGUMENTS: REJECTIONS UNDER 35 U.S.C. 102
- IX. ARGUMENTS: REJECTIONS UNDER 35 U.S.C. 103
- 5 X. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL
- XI. OTHER MATERIAL THAT APPELLANT CONSIDERS NECESSARY OR DESIRABLE

The final page of this brief bears the practitioner's signature.

I. REAL PARTY OF INTEREST (37 C.F.R. § 1.192(c)(1))

10 The real party in interest in this appeal is Pegasus Solutions, Inc.

II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 1.192(c)(2))

There are no appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS (37 C.F.R. § 1.192(c)(3))

15 The status of the claims in this application are:

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 25 claims. (Claims 1-25)

Claims currently pending in the application: 25 pending claims

B. STATUS OF ALL THE CLAIMS

- 20 1. Claims cancelled: NONE
- 2. Claims withdrawn from consideration but not cancelled: NONE
- 3. Claims pending: 1-25
- 4. Claims allowed: NONE.
- 5. Claims rejected: 1-25

25 C. CLAIMS ON APPEAL

The claims on appeal are: 1-25

IV. STATUS OF AMENDMENTS (37 C.F.R. § 1.192(c)(4))

The claims presently pending are those submitted May 5, 2003 in an Amendment After Final.

V. SUMMARY OF THE INVENTION (37 C.F.R. § 1.192(c)(5))

5 The following summary is provided without any intention to limit the scope of the claims. The subject matter of claims 1-25 is summarized below.

 Claim 1 includes a system for providing reservation data that comprises a reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems. By way of example and not by limitation, and for the purposes of
10 compliance with 37 C.F.R. 1.192(c), see, e.g., Figure 1, system 100, and paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18) of the specification. A master reservation system coupled to the reservation data system receives the reservation inventory data and stores the reservation inventory data in a database, and receives the inventory update data and updates the database with the inventory update data. By way of example and not by
15 limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 2, systems 100 and 200, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0033] through [0041] (page 15, line 19 through page 20, line 16) of the specification. A user interface system coupled to the master reservation system receives reservation request data and provides updated reservation inventory data in response to
20 the reservation request data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figure 1, system 100, and paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18) of the specification. The inventory update data is generated in real time as each reservation system is updated to reflect current inventory.

25 Claim 8 includes a method for providing reservation data that comprises storing reservation inventory data from two or more reservation data systems in a database. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification. Inventory status update data is received
30 from one or more of the reservation data systems in real-time as such inventory status update

data is implemented in the associated reservation data system. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification. The database is updated with the inventory status update data, and the inventory status update data is stored with an associated sequence number. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 15 includes a method for providing reservation data that comprises storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) the specification. A request for reservation data is received for one or more of the properties at a central interface. Reservation data is provided reflecting the current status of the property. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification. The available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and the current status of the available inventory at each property reflects such independent modifications. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Narrower embodiments of the invention are described below.

Claim 2 depends from claim 1 and includes a monitoring system coupled to the master reservation system that stores each set of inventory update data and sequence number data associated with the set of inventory update data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figure 1, system 100, and paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18) of the specification.

Claim 3 depends from claim 1 and includes a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems that receives the inventory update data from the reservation data system and transmits the inventory update data to reservation data system interface. By way of example and not by limitation, and for the purposes
5 of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 4, systems 100 and 400, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0049] through [0054] (page 24, line 16 to page 28, line 1) of the specification.

Claim 4 depends from claim 1 and includes that the master reservation system further comprises a chain system receiving chain modification data and updating the database with the
10 chain modification data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 2, systems 100 and 200, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0033] through [0041] (page 15, line 19 through page 20, line 16) of the specification.

Claim 5 depends from claim 1 and includes that the master reservation system further comprises a property system receiving property modification data and updating the database with the property modification data. By way of example and not by limitation, and for the purposes
15 of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 2, systems 100 and 200, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0033] through [0041] (page 15, line 19 through page 20, line 16) of the specification.

Claim 6 depends from claim 1 and includes that the master reservation system further comprises a rate plan system receiving rate plan modification data and updating the database with the rate plan modification data. By way of example and not by limitation, and for the
25 purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 through 3, systems 100 and 300, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), paragraphs [0033] through [0041] (page 15, line 19 through page 20, line 16), and paragraphs [0042] through [0048] (page 20, line 17 through page 24, line 15) of the specification.

Claim 7 depends from claim 1 and includes that the master reservation system further
30 comprises a distribution channel system receiving distribution channel modification data and updating the database with the distribution channel modification data. By way of example and

not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 2, systems 100 and 200, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0033] through [0041] (page 15, line 19 through page 20, line 16) of the specification.

5 Claim 9 depends from claim 8 and includes that storing reservation inventory data from two or more reservation data systems in a database comprises storing hotel chain data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

10 Claim 10 depends from claim 8 and includes that storing reservation data from two or more reservation data systems in a database comprises storing property data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

15 Claim 11 depends from claim 8 and includes that storing reservation data from two or more reservation data systems in a database comprises storing rate plan data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

20 Claim 12 depends from claim 8 and includes that receiving inventory status update data from one or more of the reservation data systems comprises receiving room availability update data that indicates that a room is available that had previously been indicated as being reserved. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055]
25 through [0070] (page 28, line 2 to page 34, line 6) of the specification.

 Claim 13 depends from claim 8 and includes that receiving inventory status update data from one or more of the reservation data systems comprises receiving room price update data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055]
30 through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 14 depends from claim 8 and includes that receiving inventory status update data from one or more of the reservation data systems comprises receiving distressed inventory data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 16 depends from claim 15 and includes that storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database further comprises updating the database with status update data reflecting the availability of previously unavailable inventory. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 17 depends from claim 16 and includes that updating the database with status update data further comprises storing the status update data and a unique transaction sequence number associated with the status update data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 18 depends from claim 15 and includes that receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 19 depends from claim 15 and includes that receiving the request for reservation data for one of the properties comprises receiving a request for rate plan data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 20 depends from claim 15 and includes that receiving the request for reservation data for one of the properties comprises receiving a request for negotiated rate data. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see,

e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 21 depends from claim 3 and includes that the reservation inventory data includes room availability data for each of the available rooms at each property managed by each of the two or more reservation systems, and that the inventory update data includes rented room data at one of the properties that reflects rooms that were previously indicated as being available at that property and which have since become unavailable. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 4, systems 100 and 400, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0049] through [0054] (page 24, line 16 to page 28, line 1) of the specification.

Claim 22 depends from claim 1 and includes a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems that receives the inventory update data from the reservation data regardless of the source of the inventory update data system and that transmits the inventory update data to the reservation data system interface. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 4, systems 100 and 400, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0049] through [0054] (page 24, line 16 to page 28, line 1) of the specification. A status update system provides status update data that includes room reservation data and rate change data to the master reservation interface system when the status update data becomes effective for the corresponding reservation system. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 4, systems 100 and 400, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0049] through [0054] (page 24, line 16 to page 28, line 1) of the specification. The master reservation interface system transmits the status update to the master reservation system upon receiving the status update data from the status update system. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 1 and 4, systems 100 and 400, respectively, paragraphs [0018] through [0032] (page 7, line 16 through page 15, line 18), and paragraphs [0049] through [0054] (page 24, line 16 to page 28, line 1) of the specification.

Claim 23 depends from claim 15 and includes that storing reservation data reflecting the current status of available inventory from two or more properties from two or more reservation data systems in a database comprises receiving status update data at a local property reservation system when a room at a property has been reserved, transmitting the status update data to the database, and updating a central database to decrease the number of available rooms for the property. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 24 depends from claim 15 and includes that storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprises receiving status update data at a local property reservation system when a rate plan at a property has been changed, transmitting the status update data to the database, and updating a central database to change the rate plan for each of the rooms for the property. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

Claim 25 depends from claim 15 and includes that storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprises receiving status update data at a hotel chain reservation system when distribution channel data for a hotel chain has been changed, transmitting the status update data to the database, and updating a central database to change the distribution channel data for each of two or more properties in the hotel chain. By way of example and not by limitation, and for the purposes of compliance with 37 C.F.R. 1.192(c), see, e.g., Figures 5 and 6, methods 500 and 600, respectively, and paragraphs [0055] through [0070] (page 28, line 2 to page 34, line 6) of the specification.

VI. ISSUES ((37 C.F.R. § 1.192(c)(6))

Whether claims 1-13, 15-17 and 19-25 are unpatentable under 35 USC § 102(e) over MacDonald.

Whether claims 14 and 18 are unpatentable under 35 U.S.C. § 103(a) over MacDonald in view of HRN.

VII. GROUPING OF CLAIMS ((37 C.F.R. § 1.192(c)(7))

The following groups of claims are considered as standing or falling together for the reasons discussed below:

Group I – claims 1, 15 and 23-25.

Group II – claims 2, 8, 13, and 17.

Group III – claim 3 and 22.

Group IV – claims 4 and 9.

Group V – claims 5 and 10.

Group VI – claims 6, 11, 19 and 20.

Group VII – claim 7.

Group VIII – claims 12, 16 and 21.

Group IX – claims 14 and 18.

VIII. ARGUMENTS ((37 C.F.R. § 1.192(c)(8)(iii)) ARGUMENT: REJECTIONS UNDER 35 U.S.C. 102

1. Background to Presently Claimed Invention

In one exemplary embodiment, the presently claimed invention provides a system for providing reservation data that includes a reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems. A master reservation system coupled to the reservation data system receives the reservation inventory data and stores the reservation inventory data in a database, and receives the inventory update data and updates the database with the inventory update data. A user interface system coupled to the master reservation system receives reservation request data and provides updated reservation inventory data in response to the reservation request data. The inventory update data is generated in real time as each reservation system is updated to reflect current inventory.

2. MacDonald

MacDonald discloses a system and method for managing reservations, e.g., reservations for units in lodging facilities such as cabins on cruise ships and rooms or suites in hotels, using the Internet. A person wishing to make a reservation can access information regarding the availability of units (e.g., cabins or rooms) during a particular time period by visiting a website

that includes plans showing various areas of a place of accommodation (e.g., a deck of a ship or floor of a hotel). MacDonald further discloses that the website server must be separately configured for each cruise ship or hotel, and that any changes to the reservation information must be made directly to the website server.

5 3. Patentability of Group I (claims 1, 15 and 23-25).

There can be a large number of hotels or other rental properties (hereinafter collectively referred to as “hotels”) in a location of interest to a person that is seeking to make a reservation for lodging. Each of these different hotels can operate a stand-alone reservation system, such that it is necessary to contact each hotel directly to determine whether there are any available
10 rooms at the hotel. Although early reservation websites allowed hotels to consolidate general information regarding room rates and other information in a single location, such websites did not include the ability to provide information as to availability of rooms on a certain date. Instead, the user would have to access the reservation system of a desired hotel to determine whether any rooms were available for a desired date. Thus, a user might visit a number of
15 different reservation systems and be required to repetitiously enter the same information regarding the dates of interest, the number of rooms, the number of occupants, the class of room, and other pertinent information, only to find out that there are no rooms available at any of the hotels.

It was also known to allocate blocks of hotel rooms to centralized reservation systems, but if the number of rooms so allocated were used up, then the centralized reservation system
20 would provide incorrect information if rooms were nevertheless available directly from the hotel’s local reservation system. In one exemplary embodiment, the present invention overcomes these difficulties through a system for providing reservation data that comprises a reservation data system interface receiving reservation inventory data and inventory update data
25 from two or more reservation systems. A master reservation system coupled to the reservation data system receives the reservation inventory data and stores the reservation inventory data in a database, and receives the inventory update data and updates the database with the inventory update data. A user interface system coupled to the master reservation system receives reservation request data and provides updated reservation inventory data in response to the
30 reservation request data. The inventory update data is generated in real time as each reservation

system is updated to reflect current inventory. In this exemplary embodiment, a person searching the centralized reservation system will only find information for hotels that have available rooms on the date of interest, and will not waste time performing an additional query at individual reservation systems where there are no available rooms, nor will a person be misled as to the availability of rooms at a hotel due to the exhaustion of a block of rooms allocated to the centralized reservation system.

The Applicants believe that the Examiner's construction of claims 1-25 as being anticipated by MacDonald or MacDonald in view of HRN is incorrect, because it reads elements out of the claims. Federal Circuit precedent prohibits construing claims in a manner that reads elements out of the claim. *Texas Instruments v. U.S. Int'l Trade Comm'n*, 988 F.2d 1165, 1171 (Fed. Cir. 1993). Claim construction is reviewed de novo by the Board of Patent Appeals and Interferences. Further, it is axiomatic that "that which anticipates if earlier infringes if later." Thus, it needs to be determined de novo whether the system and method disclosed in MacDonald or MacDonald in view of HRN would infringe the proper construction of claims 1-25.

For example, claim 1 includes a system for providing reservation data that comprises a reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems. A master reservation system coupled to the reservation data system receives the reservation inventory data and stores the reservation inventory data in a database, and receives the inventory update data and updates the database with the inventory update data. A user interface system coupled to the master reservation system receives reservation request data and provides updated reservation inventory data in response to the reservation request data. The inventory update data is generated in real time as each reservation system is updated to reflect current inventory.

In contrast, MacDonald merely discloses a hotel 1 18 and a hotel 2 18, and states at paragraph 0034 that the "reservation availability information is current based on information provided by cruise line companies in real time over the Internet," and that the "technology for this capability, called SmartDecksTM technology is compatible with most widely used web browser software." The Examiner argues in paper 19 at page 11 that "the vendor would inherently need some sort of vendor system in order to transmit said information," but MacDonald explicitly teaches away from such a system at paragraph 0025, where it states that "[r]eservation takers, for example, owners or agents of hotels 18 or cruise ship lines 20, provide

plans showing the arrangement of units for which reservations can be accepted to the website server 22. Developers use an application running on the website server 22 to interactively associate coordinates with each unit on an electronically represented version of the plan, to identify hot spots on which a user can position his mouse to obtain information concerning the unit. The developers also interactively associate coordinates with each unit to identify the location where an indicator may be displayed to indicate the availability state of the unit. The reservation takers also provide the website server with continuously updated information concerning the availability state of the units.” Thus, it is the owners or agents that provide “continuously updated information concerning the availability state of the units” to the website server of MacDonald using the SmartDecks™ technology, which they access using only their web browser. Construction of claim 1 to cover the system disclosed in MacDonald is therefore improper, as MacDonald fails to disclose “a reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems.”

Recognizing this failure, the Examiner further asserts in paper 19 at page 11 that “some sort of vendor system” is inherent in the system disclosed in MacDonald. This assertion is legally incorrect, and fails to provide the claim elements that are missing from MacDonald. “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (citations omitted). MacDonald itself teaches that “some sort of vendor system” is not required, because the owners or agents can use the SmartDecks™ technology, which they access using only their web browser. Thus, the Examiner’s assertion in paper 19 at page 11 that without “a vendor system the central website server would not be enabled to receive said continuously updated information concerning availability of units” is incorrect, at least to the extent that a system called SmartDecks™ is disclosed that apparently is hosted on website server 22 and that allows owners or agents to continuously update information by manually submitting that information using only a web browser. However, whether the disclosure of MacDonald is enabling of any possible claims is totally irrelevant as to whether the system disclosed in MacDonald would infringe the claims of the present application, when properly construed. The purpose of the enablement

requirement is to “ensure[] that the public knowledge is enriched by the patent specification to a degree at least commensurate with the scope of the claims.” *Nat’l Recovery Techs., Inc. v. Magnetic Separation Sys.*, 166 F.3d 1190, 1196 (Fed. Cir. 1999). While not commenting on whether MacDonald would be enabling of any claims at all, Applicants agree with the Examiner that MacDonald fails to enable any of the pending claims in general, and in particular, two or more reservation systems that continuously update the central website. More importantly, though, the system disclosed in MacDonald simply would not infringe claim 1, properly construed, and the Examiner’s construction of the claim to cover the system disclosed in MacDonald is improper and should be reversed.

Claim 15 includes a method for providing reservation data that comprises storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database. A request for reservation data is received for one or more of the properties at a central interface. Reservation data is provided reflecting the current status of the property. The available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and the current status of the available inventory at each property reflects such independent modifications. MacDonald entirely fails to disclose “two or more reservation data systems,” where the “available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and the current status of the available inventory at each property reflects such independent modifications.” Instead, owners or agents use the SmartDecks™ technology, which they access manually access using only their web browser, to make changes to the database at the web server 22 of MacDonald. The system disclosed in MacDonald would not infringe claim 15, and the construction of claim 15 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claims 23 through 25 depend from claim 15, and for the reasons discussed above, the construction of these claims that results in them reading on the system disclosed in MacDonald is improper, and should be reversed.

4. Patentability of Group II (claims 2, 8, 13 and 17).

Sequence numbers for database updates allow the database to be rebuilt in the event of a “crash,” and further allow databases to be replicated without the potential for loss of data and loss of synchronization between the replicated databases. When a number of feeder systems independently feed database updates to a central system, it is important to coordinate the sequence numbers, track the sequence numbers, or otherwise account for the fact that the sequence numbers come from different and unrelated sources.

Claim 2 depends from claim 1 and includes a monitoring system coupled to the master reservation system that stores each set of inventory update data and sequence number data associated with the set of inventory update data. As an initial point, it is noted that the term “sequence” is not even used in MacDonald. Furthermore, in response to the Applicants drawing the Examiner’s attention to the failure of MacDonald to disclose such sequence numbers, such as to allow the database to be reconstructed, the Examiner states that “repeating this requesting act querying the most current reservation status allows the data to become current in the event an update was delayed.” This argument is completely non-responsive – if the database of MacDonald crashes and must be rebuilt, any updates that were submitted by owners or agents using a web browser would be lost. No amount of repetition of the “requesting act querying the most current reservation status” would make information that was previously submitted by the owners and agents using a web browser and that was subsequently lost become available, and there would be no way of determining which information that was previously submitted by the owners and agents was lost without a sequence number. With a sequence number, it is possible to query each reservation in one exemplary embodiment to confirm that the latest update has been accounted for, or to obtain the missing updates. The Applicants agree with the Examiner that the system described in MacDonald fails to enable the invention of claim 2, and would fail to infringe claim 2 as properly construed. The construction of claim 2 to cover the system disclosed in MacDonald is improper, and should be reversed.

Likewise, claim 8 includes a method for providing reservation data that comprises storing reservation inventory data from two or more reservation data systems in a database. Inventory status update data is received from one or more of the reservation data systems in real-time as such inventory status update data is implemented in the associated reservation data system. The

database is updated with the inventory status update data, and the inventory status update data is stored with an associate sequence number. For the reasons described above, the system disclosed in MacDonald would not infringe claim 8, and the construction of claim 8 to cover the system disclosed in MacDonald is improper.

5 Claim 13 depends from claim 8 and includes that receiving inventory status update data from one or more of the reservation data systems comprises receiving room price update data. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it discloses that room price update data can only be updated manually by an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The
10 construction of claim 13 to cover the system disclosed in MacDonald is improper, and should be reversed.

 Claim 17 depends from claim 16 and includes that updating the database with status update data further comprises storing the status update data and a unique transaction sequence number associated with the status update data. The Applicants agree with the Examiner that
15 MacDonald is non-enabling of the claims, as it fails to disclose that any sequence number is provided through the SmartDecks™ web browser interface. The construction of claim 17 to cover the system disclosed in MacDonald is improper, and should be reversed.

5. Patentability of Group III (claims 3 and 22).

 While it is possible to interface a number of related systems to a centralized system,
20 interfacing a number of unrelated systems to a centralized system is not typically possible, due to differences in communications formats, data formats, and other differences. In order to do so, it may be necessary to provide an interface system, either at each unrelated system (such as where the interface system converts the data from the remote system data format to the centralized system data format and then transmits it in a predetermined data transmission format) or at the
25 centralized system (such as where the interface system receives the data in a predetermined data transmission format and then converts it from the remote system data format to the centralized system data format).

Claim 3 depends from claim 1 and includes a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems that receives the inventory update data from the reservation data system and transmits the inventory update data to reservation data system interface. As previously discussed, MacDonald only discloses the use of SmartDecks™, which is apparently a system that allows an owner or agent to interface with web server 22 to manually provide updates using only a web browser. No reservation data system is disclosed, much less a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems. Characterizing SmartDecks™ as a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems is incorrect, because SmartDecks™ only provides manual input functionality. Applicants agree with the Examiner that the disclosure of MacDonald is non-enabling as to claim 3. The construction of claim 3 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claim 22 depends from claim 1 and includes a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems that receives the inventory update data from the reservation data regardless of the source of the inventory update data system and that transmits the inventory update data to the reservation data system interface. A status update system provides status update data that includes room reservation data and rate change data to the master reservation interface system when the status update data becomes effective for the corresponding reservation system. The master reservation interface system transmits the status update to the master reservation system upon receiving the status update data from the status update system. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it fails to disclose a master reservation interface system, and as previously described, SmartDecks™ is only a web browser interface that requires manual entry of data for each record by an owner or agent. The construction of claim 22 to cover the system disclosed in MacDonald is improper, and should be reversed.

6. Patentability of Group IV (claims 4 and 9).

Hotel chains can be acquired, and can implement chain-wide modifications that affect all of the properties within the chain, such as changes to room classifications, frequent traveler program rewards, telephone numbers, addresses, or other data. Prior art centralized reservation

systems required any changes to such chain data to be made for each property, and also did not allow for flow-through of changes from the chain management companies, such that the centralized data could be different from the actual chain data. Thus, a party searching for a reservation at a specific chain might not be provided with information for newly-acquired locations until weeks or months after the acquisition.

Claim 4 depends from claim 1 and includes that the master reservation system further comprises a chain system receiving chain modification data and updating the database with the chain modification data. The Examiner asserts that the disclosure of two hotels somehow meets this claim limitation, because there “is no indication that these two hotels are merely two separate hotels.” The Examiner apparently fails to appreciate that a cited reference must disclose each element of a claim in order to provide a basis for the rejection of the claim under 35 U.S.C. 102. It is not sufficient to use a reference to argue, as the Examiner does, that something is probable or possible, or that a certain thing may result from a given set of circumstances. *In re Robertson*, 169 F.3d at 745. Instead, the claimed elements must be explicitly disclosed by the reference, or the reference must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. *Id.* MacDonald fails to either explicitly disclose a chain modification system, or to make clear that it is necessarily present, as all updates are performed manually to individual reservation records through the SmartDecks™ web browser interface.

The Examiner further asserts that a “cruise line” search criteria in MacDonald provides this element. This argument is also flawed, as “searching” a database and “updating” a database are two completely different functions. One of ordinary skill in the art would recognize that the ability to search a database does not equate to the ability to update the database, for a number of reasons. For example, updates must be coordinated to prevent two parties from implementing contradictory changes, whereas searches can be performed simultaneously. Furthermore, as the Examiner notes, MacDonald is non-enabling of claim 4, as there must be a system disclosed that can receive chain modification data and that can update the database with the chain modification data in order to provide for updating the database with chain modification data. None of this is provided in MacDonald, which merely discloses the ability to search by a cruise line but does not disclose that the cruise line data can be updated by an owner or agent except through the SmartDecks™ web browser interface. If such an owner or agent wanted to modify the name of

the cruise line after entering reservation data for every cabin that is available for a given cruise line, or make a similar chain-wide change, they would need to make changes manually to every record, one at a time. The construction of claim 4 to cover the system disclosed in MacDonald is improper, and should be reversed.

5 Claim 9 depends from claim 8 and includes that storing reservation inventory data from two or more reservation data systems in a database comprises storing hotel chain data. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it discloses that hotel chain data can only be updated manually by an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The construction
10 of claim 9 to cover the system disclosed in MacDonald is improper, and should be reversed.

7. Patentability of Group V (claims 5 and 10).

Some changes to reservation system data are property-specific, such as when an individual property is acquired by a different party, changes its name, its address, its pricing structure, or implements other property-specific changes. Prior art centralized reservation
15 systems required any changes to such property data to be made for each data record, and also did not allow for flow-through of changes from the property management companies, such that the centralized data could be different from the actual property data. Thus, a party searching for a reservation at a specific property might not be provided with correct information until weeks or months after the changes were implemented at the property.

20 Claim 5 depends from claim 1 and includes that the master reservation system further comprises a property system receiving property modification data and updating the database with the property modification data. The Examiner apparently failed to address the Applicants' arguments in regards to this claim, but the Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it discloses that property data can only be updated manually by
25 an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The construction of claim 5 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claim 10 depends from claim 8 and includes that storing reservation data from two or more reservation data systems in a database comprises storing property data. The Applicants
30 agree with the Examiner that MacDonald is non-enabling of the claims, as it discloses that

property data can only be updated manually by an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The construction of claim 10 to cover the system disclosed in MacDonald is improper, and should be reversed.

8. Patentability of Group VI (claims 6, 11, 19 and 20).

Some changes to reservation system data are rate-plan specific, such as when rates for certain classes of rooms are changed across a set of properties that include that class of rooms, when a group with negotiated rates such as the American Automobile Association negotiates new rates, or in other similar circumstances. Prior art centralized reservation systems required any changes to such rate plan data to be made for each data record, and also did not allow for flow-through of changes from the property management companies, such that the centralized data could be different from the actual property data. Thus, a party searching for a reservation under a certain rate plan might not be provided with correct information until weeks or months after the changes were implemented.

Claim 6 depends from claim 1 and includes that the master reservation system further comprises a rate plan system receiving rate plan modification data and updating the database with the rate plan modification data. The Examiner apparently failed to address the Applicants' arguments in regards to this claim, but the Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it entirely fails to disclose the term "rate plan," and even if such rate plan data could be accommodated by the system disclosed by MacDonald, any rate plan data would only be capable of being updated manually by an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The construction of claim 6 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claim 11 depends from claim 8 and includes that storing reservation data from two or more reservation data systems in a database comprises storing rate plan data. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it entirely fails to disclose the term "rate plan," and even if such rate plan data could be accommodated by the system disclosed by MacDonald, any rate plan data would only be capable of being updated manually by an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The construction of claim 11 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claim 19 depends from claim 15 and includes that receiving the request for reservation data for one of the properties comprises receiving a request for rate plan data. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it not only fails to disclose the term “rate plan,” but also fails to disclose being able to request rate plan data through the SmartDecks™ web browser interface. The construction of claim 19 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claim 20 depends from claim 15 and includes that receiving the request for reservation data for one of the properties comprises receiving a request for negotiated rate data. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it not only fails to disclose the term “negotiated,” it also fails to disclose requesting negotiated rate data through the SmartDecks™ web browser interface. The construction of claim 20 to cover the system disclosed in MacDonald is improper, and should be reversed.

9. Patentability of Group VII (claim 7).

Some changes to reservation system data are distribution-channel specific, such as when rates for certain classes of rooms are changed as a function of a distribution channel, such as a travel agency, a referring website, or in other similar circumstances. Prior art centralized reservation systems required any changes to such distribution channel data to be made for each data record, and also did not allow for flow-through of changes from a distribution channel, such that the centralized data could be different from the actual property data. Thus, a party searching for a reservation under a certain distribution channel might not be provided with correct information until weeks or months after the changes were implemented.

Claim 7 depends from claim 1 and includes that the master reservation system further comprises a distribution channel system receiving distribution channel modification data and updating the database with the distribution channel modification data. The Examiner apparently failed to address the Applicants’ arguments in regards to this claim, but the Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it discloses that distribution channel data can only be updated manually by an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The construction of claim 7 to cover the system disclosed in MacDonald is improper, and should be reversed.

10. Patentability of Group VIII (claims 12, 16 and 21).

Another shortcoming of the prior art was accommodating changes to reservations, such as where rooms that had been reserved later became available, such as due to the cancellation of the reservation. Prior art centralized reservation systems required any changes due to such cancellations to be made for each data record, and also did not allow for flow-through of changes from the remote reservation systems, such that the centralized data could be different from the actual reservation data. Thus, a party searching for a reservation might be led to believe that the property had no vacancies, such as where a block of rooms were reserved for reservations made through the centralized website but where such reservations were subsequently cancelled by the guest directly contacting the property.

Claim 12 depends from claim 8 and includes that receiving inventory status update data from one or more of the reservation data systems comprises receiving room availability update data that indicates that a room is available that had previously been indicated as being reserved. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it fails to disclose how to change the status of a room from being unavailable to a status of being available through the SmartDecks™ web browser interface. The construction of claim 12 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claim 16 depends from claim 15 and includes that storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database further comprises updating the database with status update data reflecting the availability of previously unavailable inventory. The Applicants agree with the Examiner that MacDonald is non-enabling of the claims, as it fails to disclose how to change the status of a room from being unavailable to a status of being available through the SmartDecks™ web browser interface. The construction of claim 16 to cover the system disclosed in MacDonald is improper, and should be reversed.

Claim 21 depends from claim 3 and includes that the reservation inventory data includes room availability data for each of the available rooms at each property managed by each of the two or more reservation systems, and that the inventory update data includes rented room data at one of the properties that reflects rooms that were previously indicated as being available at that property and which have since become unavailable. The Applicants agree with the Examiner

that MacDonald is non-enabling of the claims, as it fails to disclose how to change the status of a room from being unavailable to a status of being available through the SmartDecks™ web browser interface. The construction of claim 21 to cover the system disclosed in MacDonald is improper, and should be reversed.

5 11. Summary

For the reasons set forth above, Appellant submits that the Examiner's construction of the claims is improper on the grounds that it reads elements out of the claims, and that Appellant's properly construed claimed invention is indeed novel and unobvious over the applied references and the art of record.

10 Accordingly, the Examiner's rejections must be REVERSED, and claims 1-13, 15-17, and 19-25 must be allowed.

IX. ARGUMENTS ((37 C.F.R. § 1.192(c)(8 (iv))
ARGUMENT: REJECTIONS UNDER 35 U.S.C. 103

1. HRN

15 HRN discloses a system for making reservations at a plurality of hotels or other properties in which reservation information from the properties is provided through a central website, but where no real-time update is made to the individual reservation systems of the plurality of hotels or other properties. As such, a person searching the website might select a hotel only to find out that there is no availability at the hotel on the desired date. Accordingly, a
20 person searching the website might spend a considerable amount of time selecting properties that do not have any available rooms on a given date, which would significantly increase the amount of time required to make a reservation.

2. Patentability of Group IX (claims 14 and 18).

25 Although systems for offering distressed inventory were known in the prior art, such systems were essentially remote reservation systems, or interfaced independently with the remote reservation systems using prior art systems having the problems previously described. Thus, any information at a centralized reservation system that included both distressed and non-distressed inventory suffered from the noted problems, such as where the distressed inventory was no longer available but would turn up in a search at the centralized reservation system, or where the

distressed inventory would not be provided to the centralized reservation system until weeks or months after it was available directly from the distressed inventory provider.

Claim 14 depends from claim 8 and includes that receiving inventory status update data from one or more of the reservation data systems comprises receiving distressed inventory data.

5 The Applicants agree with the Examiner that MacDonald in view of HRN is non-enabling of the claims, as it discloses that distressed inventory data can only be updated manually by an owner or agent through the SmartDecks™ web browser interface by changing every record, one at a time. The construction of claim 14 to cover the system disclosed in MacDonald in view of HRN is improper, and should be reversed.

10 Claim 18 depends from claim 15 and includes that receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory. The Applicants agree with the Examiner that MacDonald in view of HRN is non-enabling of the claims, as it fails to disclose receiving a request for distressed inventory data through the SmartDecks™ web browser interface. The construction of claim 18 to cover the system
15 disclosed in MacDonald in view of HRN is improper, and should be reversed.

3. Summary

For the reasons set forth above, Appellant submits that the Examiner's construction of the claims is improper on the grounds that it reads elements out of the claims, and that Appellant's properly construed claimed invention is indeed novel and unobvious over the applied references
20 and the art of record.

Accordingly, the Examiner's rejections must be REVERSED, and claims 14 and 18 must be allowed.

X. APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(9))

The text of the claims involved in the appeal are as follows:

- 25 1. A system for providing reservation data comprising:
- a reservation data system interface receiving reservation inventory data and inventory update data from two or more reservation systems; and
 - a master reservation system coupled to the reservation data system, the master reservation system receiving the reservation inventory data and storing the reservation inventory data in a

database, the master reservation system receiving the inventory update data and updating the database with the inventory update data;

a user interface system coupled to the master reservation system, the user interface system receiving reservation request data and providing updated reservation inventory data in response to the reservation request data; and

wherein the inventory update data is generated in real time as each reservation system is updated to reflect current inventory.

2. The system of claim 1 further comprising a monitoring system coupled to the master reservation system, the monitoring system storing each set of inventory update data and sequence number data associated with the set of inventory update data.

3. The system of claim 1 further comprising a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the inventory update data from the reservation data system and transmitting the inventory update data to reservation data system interface.

4. The system of claim 1 wherein the master reservation system further comprises a chain system receiving chain modification data and updating the database with the chain modification data.

5. The system of claim 1 wherein the master reservation system further comprises a property system receiving property modification data and updating the database with the property modification data.

6. The system of claim 1 wherein the master reservation system further comprises a rate plan system receiving rate plan modification data and updating the database with the rate plan modification data.

7. The system of claim 1 wherein the master reservation system further comprises a distribution channel system receiving distribution channel modification data and updating the database with the distribution channel modification data.

8. A method for providing reservation data comprising:
storing reservation inventory data from two or more reservation data systems in a database;

5 receiving inventory status update data from one or more of the reservation data systems in real-time as such inventory status update data is implemented in the associated reservation data system;

updating the database with the inventory status update data; and
storing the inventory status update data with an associate sequence number.

9. The method of claim 8 wherein storing reservation inventory data from two or more reservation data systems in a database comprises storing hotel chain data.

10. The method of claim 8 wherein storing reservation data from two or more reservation data systems in a database comprises storing property data.

11. The method of claim 8 wherein storing reservation data from two or more reservation data systems in a database comprises storing rate plan data.

12. The method of claim 8 wherein receiving inventory status update data from one or more of the reservation data systems comprises receiving room availability update data that indicates that a room that had previously been indicated as being reserved.

13. The method of claim 8 wherein receiving inventory status update data from one or more of the reservation data systems comprises receiving room price update data.

14. The method of claim 8 wherein receiving inventory status update data from one or more of the reservation data systems comprises receiving distressed inventory data.

15. A method for providing reservation data comprising:

storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database;

5 receiving a request for reservation data for one or more of the properties at a central interface;

providing reservation data reflecting the current status of the property; and

wherein the available inventory at each of the two or more properties can be independently modified from an interface other than the central interface, and wherein the

10 current status of the available inventory at each property reflects such independent modifications.

16. The method of claim 15 wherein storing reservation data reflecting the current status of available inventory from two or more properties from a room availability database from each of two or more reservation data systems in a database further comprises updating the database with status update data reflecting the availability of previously unavailable inventory.

17. The method of claim 16 wherein updating the database with status update data further comprises storing the status update data and a unique transaction sequence number associated with the status update data.

18. The method of claim 15 wherein receiving the request for reservation data for one or more of the properties comprises receiving a request for distressed inventory.

19. The method of claim 15 wherein receiving the request for reservation data for one of the properties comprises receiving a request for rate plan data.

20. The method of claim 15 wherein receiving the request for reservation data for one of the properties comprises receiving a request for negotiated rate data.

21. The system of claim 3 wherein the reservation inventory data includes room availability data for each of the available rooms at each property managed by each of the two or

more reservation systems, and where the inventory update data includes rented room data at one of the properties that reflects rooms that were previously indicated as being available at that property and which have since become unavailable.

22. The system of claim 1 further comprising:

a master reservation interface system coupled to the reservation data system interface and one of the reservation data systems, the master reservation interface system receiving the inventory update data from the reservation data regardless of the source of the inventory update data system and transmitting the inventory update data to the reservation data system interface;

a status update system providing status update data that includes room reservation data and rate change data to the master reservation interface system when the status update data becomes effective for the corresponding reservation system; and

wherein the master reservation interface system transmits the status update to the master reservation system upon receiving the status update data from the status update system.

23. The method of claim 15 wherein storing reservation data reflecting the current status of available inventory from two or more properties from two or more reservation data systems in a database comprises:

receiving status update data at a local property reservation system when a room at a property has been reserved;

transmitting the status update data to the database; and

updating a central database to decrease the number of available rooms for the property.

24. The method of claim 15 wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprises:

receiving status update data at a local property reservation system when a rate plan at a property has been changed;

transmitting the status update data to the database; and

updating a central database to change the rate plan for each of the rooms for the property.

25. The method of claim 15 wherein storing reservation data reflecting the current status of two or more properties from two or more reservation data systems in a database comprises:

- 5 receiving status update data at a hotel chain reservation system when distribution channel data for a hotel chain has been changed;
- transmitting the status update data to the database; and
- updating a central database to change the distribution channel data for each of two or more properties in the hotel chain.

XI. OTHER MATERIAL THAT APPELLANT CONSIDERS NECESSARY OR DESIRABLE

See Appendix:

- A. MacDonald - U.S. application No. 2002/0099576 A1.
- B. HRN

If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No. 01-0657.

6/17/01
(Date)

Respectfully submitted,

By: 

CHRISTOPHER J. ROURK
Registration No. 39,348

AKIN GUMP STRAUSS HAUER & FELD LLP
P.O. Box 688
Dallas, Texas 75313-0688
(214) 969-4669 Direct Telephone
(214) 969-4343 Facsimile

Hotel Reservations Network Taps Pegasus Systems to Expand Online Hotel Reservation Capabilities Agreement; Adds 22,000 Hotels to HRN's Consumer Web Site

PR Newswire; New York; Sep 30, 1998;

Start Page: 1

Dateline: Texas

Abstract:

DALLAS, Sept. 30 /PRNewswire/ -- Dallas-based Pegasus Systems (Nasdaq: PEGS) today announced Hotel Reservations Network (HRN), also of Dallas, is tapping Pegasus to expand the online hotel booking capabilities on HRN's consumer site: www.180096hotel.com.

As a result of the agreement, HRN's Web site will now be able to provide online reservation capabilities and detailed property information on more than 22,000 hotels in 165 countries. Pegasus Systems is one of the leading sources of hotel content and booking capabilities on the Web. HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities.

According to John F. Davis III, president and chief executive officer of Pegasus Systems, the addition of HRN's Web site to Pegasus' online distribution network provides another premier sales outlet for Pegasus Systems' hotel clients. "The growing popularity of HRN's site represents more sales opportunities for our hotel clients, as well as additional revenue opportunities for Pegasus Systems," Davis said. Pegasus receives a transaction fee from the hotels for every net reservation made at any of the sites that are part of Pegasus' online distribution network.

Full Text:

Copyright PR Newswire - NY Sep 30, 1998

Industry: COMPUTER/ELECTRONICS; TELECOMMUNICATIONS

1 DALLAS, Sept. 30 /PRNewswire/ -- Dallas-based Pegasus Systems (Nasdaq: PEGS) today announced Hotel Reservations Network (HRN), also of Dallas, is tapping Pegasus to expand the online hotel booking capabilities on HRN's consumer site: www.180096hotel.com.

2 As a result of the agreement, HRN's Web site will now be able to provide online reservation capabilities and detailed property information on more than 22,000 hotels in 165 countries. Pegasus Systems is one of the leading sources of hotel content and booking capabilities on the Web. HRN is one of the leading Web sources of discount reservations for hotel accommodations during sold-out periods in major cities.

3 According to John F. Davis III, president and chief executive officer of Pegasus Systems, the addition of HRN's Web site to Pegasus' online distribution network provides another premier sales outlet for Pegasus Systems' hotel clients. "The growing popularity of HRN's site represents more sales opportunities for our hotel clients, as well as additional revenue opportunities for Pegasus Systems," Davis said. Pegasus receives a transaction fee from the hotels for every net reservation made at any of the sites that are part of Pegasus' online distribution network.

4 As a result of direct connections via THISCO(TM) to hotels' central reservations systems, Pegasus Systems' online reservation service provides third-party Web sites with direct access to the same hotel reservation and confirmation capabilities provided by Pegasus Systems' consumer retail site, TravelWeb(R) (<http://www.travelweb.com>). The advanced technology enables users of third-party Web sites to access Pegasus' database of approximately 22,000 hotels in 165 countries and provides them with the ability to shop and query room availability, view photos, make a reservation online and receive a

confirmation in seconds. THISCO(TM) is also a service of Pegasus Systems.

"HRN is very excited about the ability to greatly expand the number of properties and locations available to our customers on our Web site," said Bob Diener, president of HRN. "Our agreement with Pegasus Systems helps us to fulfill our philosophy of providing business and leisure travelers with the most value for their travel dollars."

According to the Travel Industry Association, TravelWeb(R) is one of the six "mega-sites" that account for 75 percent of all travel-related sales on the Internet. During the second quarter of 1998, Internet hotel bookings made through TravelWeb(R) and the sites that are part of Pegasus' online distribution network resulted in approximately \$37 million in hotel room sales. Internet hotel reservations processed by Pegasus Systems in the second quarter of 1998 increased 289 percent over the same period in 1997. Hotel reservations made via the Internet are expected to grow to \$4.6 billion in the year 2000, according to Forrester Research.

Company Information

Hotel Reservations Network (HRN) books approximately 12 percent of all hotel rooms booked worldwide on the Internet. Its sites feature state-of-the-art technology that provides direct access to the HRN hotel database, enabling travelers to quickly and easily check hotel availability and view greatly enhanced photographs of the hotels. HRN offers travelers discounts up to 65 percent off the regular rate at more than 500 properties. People who register on the site also receive free weekly travel tips via e-mail for ways to save money on airfares, hotels, car rentals and more. Cities serviced by HRN include New York, Boston, Washington D.C., Chicago, Los Angeles, San Francisco, Orlando/Disney World, Anaheim/Disneyland, New Orleans, Miami Beach, San Diego, Las Vegas, Reno, Lake Tahoe, Paris and London. More information on HRN is available at www.180096hotel.com.

Pegasus Systems, Inc. provides global electronic commerce and transaction processing solutions to hotels, travel agencies, meetings and convention planners, corporate travel departments and Internet businesses around the world via its services that include: THISCO(TM), HCC(TM), TravelWeb(R), and Pegasus IQ(TM). Pegasus Systems has its headquarters in Dallas and offices in London. The company's stock is traded on the Nasdaq National Market under the symbol PEGS. SOURCE Pegasus Systems, Inc.

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.